

IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Eastern Avenue, 1125' E of
Carroll Island Road
(11439 Eastern Avenue)
15th Election District
5th Councilmanic District

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 94-250-X

Anthony Portera, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the subject property known as 11439 Eastern Avenue in the Rowleys Quarters area of southeastern Baltimore County. The Petition was filed by the owners of the property, Anthony Portera and his wife, Evelyn Portera, through their attorney, John B. Contrum, Esquire. The Petitioners seek relief from Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit living quarters in a commercial building, with additional parking area and alternative parking pursuant to the variance relief granted in previous Case No. 93-271-A. The subject property and the relief requested are more particularly described on the site plan submitted and identified herein as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case were Anthony and Evelyn Portera, legal owners, and their attorney, John B. Contrum, Esquire. There were no Protestants or other interested parties present.

A review of the testimony and evidence offered revealed that the subject property consists of .752 acres, more or less, and is located within the Chesapeake Bay Critical Areas between the intersections of Eastern Avenue and Carroll Island Road and Eastern Avenue and Bowleys Quarters Road. The property is rectangular in shape with its more narrow width facing Eastern Avenue. The property is predominantly zoned B.R.

with a small sliver in the front portion of the site zoned D.R. 5.5, and is improved with a large, two story commercial building, 30 feet wide by 60 feet in depth. Testimony indicated that this building is used to support a Beauty Salon which is located on the first floor in the front of the building. The Petitioners seek a special exception to create three apartment units within the remainder of this structure. They note that this structure is large enough to accommodate both the business and proposed living quarters. It was noted that the site contains a large parking area to the rear of the site which can easily accommodate residential tenants and business customers and that no parking variance or other relief is necessary. Lastly, it was noted the property has good sight distances in both directions on Eastern Avenue and is compatible with the surrounding uses in the vicinity.

As indicated above, residential uses are permitted in a B.R. zone by special exception, pursuant to Section 236.4 of the B.C.Z.R. As with all special exception cases, the Petitioners must adduce testimony and evidence that the proposed use will not be detrimental to the health, safety or general welfare of the surrounding locale, pursuant to the standards set forth in Section 502.1 of the B.C.Z.R. In the instant case, it is clear that the Petitioners have satisfied their burden. There is no evidence that the proposed uses will be detrimental to this community in any respect. Rather, the uses proposed are entirely compatible with the character and nature of the surrounding community. Thus, the Petition for Special Exception will be approved.

Notwithstanding my approval, particular note is given to the Zoning Plans Advisory Committee comments submitted by the various reviewing agencies of Baltimore County. Those comments are generally supportive

of the Petition but for a comment from the Department of Environmental Protection and Resource Management (DEPRM) dated January 12, 1994. Within their comment, it is noted that the surface of the existing parking lot has not been prepared in a manner sufficient to comply with a restriction imposed in prior Case No. 93-271-A. Particularly, DEPRM noted that the property owners have failed to comply with the restriction imposed in the prior case consistent with the provisions of the Chesapeake Bay Critical Areas legislation. The Petitioners indicated at the hearing before me that they would accept the addition of this restriction in the instant case and make the necessary improvements as required. Thus, DEPRM's comment of January 12, 1994, which incorporates the previous comment dated March 12, 1993, will be adopted as a condition precedent to the relief granted herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of February, 1994 that the Petition for Special Exception seeking relief from Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit living quarters in a commercial building, with additional parking area and alternative parking, pursuant to the variance relief granted in previous Case No. 93-271-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired.

If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any use and occupancy permits, Petitioners shall comply with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) in prior Case No. 93-271-A, dated March 12, 1993, and incorporated in DEPRM's comments in the instant case dated January 12, 1994. A copy of the March 12, 1993 comments have been attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/23/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/23/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/23/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 23, 1994

(410) 887-4386

John B. Contrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL EXCEPTION
S/S Eastern Avenue, 1125' E of Carroll Island Road
(11439 Eastern Avenue)
15th Election District - 5th Councilmanic District
Anthony Portera, et ux - Petitioners
Case No. 94-250-X

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; File



Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at 11439 Eastern Ave.
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Living Quarters in a Commercial Building - per Section 236.4 with additional parking area and alternative parking per Case No.: 93-271A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/License:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Legal Owner(s):

Anthony Portera

(Type or Print Name)

Signature

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

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State

Zipcode

Address

City

State

Zipcode

Hopkins Engineering

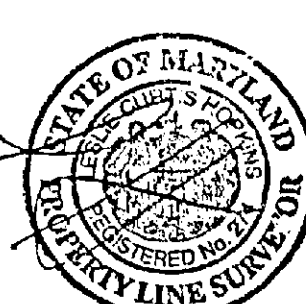
18 Brightstar Court • Baltimore, MD 21206

PROPERTY DESCRIPTION FOR NO. 11439 EASTERN AVENUE,
15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in center line of Eastern Avenue at the distance of 1125 feet, more or less, measured along the center line of Eastern Avenue from the center line of Carroll Island Road and running thence and binding on the center line of Eastern Avenue North 62 Degrees 54 Minutes East 80.00 feet thence leaving the center line of Eastern Avenue and running South 5 Degrees 38 minutes East 410.00 feet South 84 Degrees 38 Minutes West 80.00 feet and North 4 Degrees 48 Minutes West 380.47 to the place of beginning.

Containing 0.752 acres of land, more or less

11/26/93



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15TH
Posted for: Special Exception
Petitioner: Anthony Portera
Location of property: 11439 Eastern Ave., Sp
Location of Sign: Posting and sign on property being reviewed
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 30, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 30 19 93

THE JEFFERSONIAN,

A. Hennickson
LEGAL AD - TOWSON
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 118 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Thursday, JANUARY 27, 1994 at 8:00 A.M. in Rm. 118, Old Courthouse.

Case Number: 94-250-X (Item 20)
11439 Eastern Avenue
S/S Eastern Avenue, 1125' E of Carroll Island Road
15th Election District
5th Councilmanic District
Anthony Portera and Evelyn Portera
Petitioners

Relief requested: for living quarters in a commercial building with additional parking area and alternative parking per Case 93-271-A.

NOTES: (1) Hearings are held on Wednesdays. For more information, please call 887-3391.

For information concerning the final decision, please call 887-3391.

receipt
94-250-X
 Account: R001-6150
 Number: 250
 By: JLL

Date: 12/1/93
CRITICAL

CODE 050 SRX FILING FEE \$ 300.00
 CODE 080 DESIGN REVIEW 35.00
\$ 335.00

CHECK: PORTER
 LLC 11439 EASTERN AVE.
 11439 EASTERN AVE.
 BALTIMORE, MD 21204
 Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 250
 Petitioner: ANTHONY PORTERA
 Location: 11439 EASTERN AVE.
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: ANTHONY PORTERA
 ADDRESS: 15 MULBANY COURT
 LUTHERVILLE, MD.
 PHONE NUMBER: 844-242-752-5771

Ad:ggg (Revised 04/09/93)

To: POTOMAC PUBLISHING COMPANY
 December 30, 1993 Issue - Jeffersonian

Please forward billing to:
 Anthony Portera
 15
 Mulbany Court
 Lutherville, Maryland
 410-752-5771

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-250-X (Item 250)
 11439 Eastern Avenue
 S/S Eastern Avenue, 1125' E of Carroll Island Road
 15th Election District - 5th Councilmanic
 Petitioner(s): Anthony Portera and Evelyn Portera
 HEARING: THURSDAY, JANUARY 27, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for living quarters in a commercial building with additional parking area and alternative parking per case #93-271-A.

LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

10/29/93

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-250-X (Item 250)
 11439 Eastern Avenue
 S/S Eastern Avenue, 1125' E of Carroll Island Road
 15th Election District - 5th Councilmanic
 Petitioner(s): Anthony Portera and Evelyn Portera
 HEARING: THURSDAY, JANUARY 27, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for living quarters in a commercial building with additional parking area and alternative parking per case #93-271-A.

Arnold Jablon
 Arnold Jablon
 Director

cc: Anthony and Evelyn Portera
 John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO Rm. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

JANUARY 6, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 94-250-X
 PETITIONER(S): ANTHONY AND EVELYN PORTERA
 LOCATION: 11439 EASTERN AVENUE
 (RGH file: 93.3014)

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JANUARY 27, 1994, HAS BEEN POSTPONED AT THE REQUEST OF JOHN B. GONTRUM, ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
 Arnold Jablon
 Director

cc: John B. Gontrum, Esq.
 Anthony and Evelyn Portera

*Please place the enclosed postponement sticker on the zoning notice sign.
 AJ:ggg

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

JANUARY 11, 1994

NOTICE OF REASSIGNMENT

Rescheduled from 1/17/94
 CASE NUMBER: 94-250-X (Item 250)
 11439 Eastern Avenue
 S/S Eastern Avenue, 1125' E of Carroll Island Road
 15th Election District - 5th Councilmanic
 Petitioner(s): Anthony Portera and Evelyn Portera

Special Exception for living quarters in a commercial building with additional parking area and alternative parking per case #93-271-A.

HEARING: THURSDAY, FEBRUARY 10, 1994 at 10:00 a.m., Rm. 118, Courthouse.

Arnold Jablon
 ARNOLD JABLON
 DIRECTOR

cc: John B. Gontrum, Esq.
 Anthony and Evelyn Portera

**PLEASE PLACE THE ENCLOSED "NEW DATE" STICKER ON THE ZONING SIGN.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

FEBRUARY 4, 1994

NOTICE OF REASSIGNMENT

RESCHEDULED FROM THURSDAY, JANUARY 27, 1994
 CASE NUMBER: 94-250-X (Item 250)
 11439 Eastern Avenue
 S/S Eastern Avenue, 1125' E of Carroll Island Road
 15th Election District - 5th Councilmanic
 Petitioner(s): Anthony Portera and Evelyn Portera

Special Exception for living quarters in a commercial building with additional parking area and alternative parking per case #93-271-A.

HEARING: MONDAY, FEBRUARY 28, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Arnold Jablon
 ARNOLD JABLON
 DIRECTOR

cc: Anthony and Evelyn Portera
 John B. Gontrum, Esq.

*Enclosed sticker for sign.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

January 14, 1994

John B. Gontrum, Esquire
 Romadka, Gontrum & McLaughlin, P.A.
 814 Eastern Boulevard
 Essex, Maryland 21221

RE: Case No. 94-250-X, Item No. 250
 Petitioner: Anthony Portera, et ux
 Petition for Special Exception

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 16, 1993, and a hearing was scheduled accordingly.

The following comments are re'l'd only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 3, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
2/4 January 3, 1994
Item No. 250

The Developers Engineering Section has reviewed the subject zoning item. The parking area should be made subject to the buffering requirements of the Landscape Manual.

BSW:sp
cc: File



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-22-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 7-250 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID N. KATSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 5, 1994
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 243, 248, 250, 251, 253, 255, 256, 257, and 259.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey N. Long*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC.243/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286 4500

(410) 887-4500

• Arnold Jablon
Director
• Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANTHONY PORTERA & EVELYN PORTERA

LOCATION: 3/5 EASTERN AVE. 1125' E OF CARROLL ISLAND RD.
(11439 EASTERN AVE.)

Item No.: 250 (JLL) Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED
JAN 5 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

January 12, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilsner, DEPRM
Development Coordinator

SUBJECT: Zoning Item #250 - Portera Property
11439 Eastern Avenue
Zoning Advisory Committee Meeting of December 27, 1993

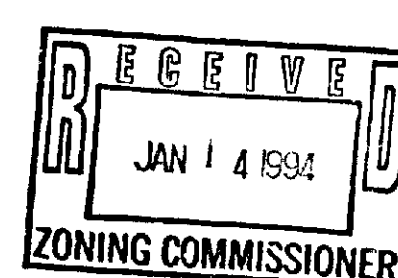
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The conversion of the existing parking lot surface to the standard pervious surface as outlined in the attached Critical Area Findings has not been performed as of January 5, 1994. Therefore, this Department requests that the Zoning Commissioner condition the special exception (zoning item #250) to comply with conditions of the zoning variance (case #93-271-A) noted above. This request is being made due to the fact that this Department has no other means of ensuring compliance with said conditions, short of pursuing an enforcement action, as the structure is built and the petitioner's business has been operating since the Spring of 1993.

JLP:GS:sp

Attachment

PORTERA/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: March 12, 1993

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 279
Anthony Portera Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 11439 Eastern Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Anthony and Evelyn Portera

APPLICANT PROPOSAL

The applicant has requested a variance from section 409.B.A.2 and 238.2 of the Baltimore County Zoning Regulations to permit a nondurable, dustless surface not permanently striped in lieu of the parking lot surface required in 409.B.A.2 and to permit a side yard setback of 10 ft. in lieu of the required 30 ft. for an existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

ORDER RECEIVED FOR FILING
Date *3/16/94*
By *JLP*

Mr. Arnold E. Jablon
March 16, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot, parcel or property proposed to be developed, except that lots less than or equal to one acre each, and located in a subdivision approved after June 1, 1986 may contain impervious areas up to 25% of the lot" <Baltimore County Code, Section 26-453(e)>.

Finding: Without the standard pervious parking lot surface requested in Variance 1, total impervious surface would equal 19% of the parcel's area. Variance 1 is requested so that the development may comply with this regulation. Once the existing crusher run is removed and the porous driveway is installed, this regulation will be met.

2. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-452(h)(2)>.

Finding: Drywells were installed at the downspouts last year during construction of the building. Therefore, this regulation has been met.

3. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, this regulation has been met.

4. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

(1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.

Finding: While designated forest does exist on the property, no disturbance of this forest is proposed. Therefore, this regulation has been met.

ORDER RECEIVED FOR FILING
Date *3/16/94*
By *JLP*

Mr. Arnold Jablon
March 12, 1993
Page 3

CONCLUSION

This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:GES:tmn

PORTERA/TXTTMM

ORDER RECEIVED FOR FILING
Date *3/16/94*
By *JLP*

H.O.

(preliminary)
This special exception is being
used to amend the previous zoning
variance for setback and parking as
granted in zoning case 93-271-A
I advised in additional variance for
the additional required parking
spaces as they are not durable driveways
or permanently striped. as part of the
variance wording I suggested and to
amend the previously approved plans in
case # 93-271-A. Since you can amend
a variance with a variance I have some problems
with amending through a SPX. John B. G. 12/16/93

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 546-8774
FAX: (410) 546-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Arnold Jablon
Director

Re: Case Number 94-250-X
Petitioners: Anthony and Evelyn Portera
Hearing Date: 1/27/94 @ 9:00 a.m.
RGM File No.: 93.3014

Dear Mr. Jablon:

Please postpone the above referenced hearing date as I have a previously scheduled
hearing before the County Board of Appeals of Baltimore County on January 27, 1994 @ 10:00
a.m. (see enclosed copy of Notice of Assignment).

Thank you for your anticipated cooperation in this matter.

Very truly yours,

John B. Gontrum

JBG/hjb
Enclosure

cc: Anthony and Evelyn Portera

RECEIVED
JAN 4 1994
ZADM

ZONING MAP - BALTIMORE COUNTY

- INDICATING LOCATION OF 11439 EASTERN AVENUE -



250



Arnold Jablon
Zoning Admin. and Dev. Mgmt.
Baltimore County
County Office Bldg.
Towson, Md., 21204

Re: Special Exception; 11439 Eastern Ave. 2, Feb., 1994

Dear Mr. Jablon,
I have seen the plat that has been submitted to the Balto.
County Zoning Administration along with the Special Exception
for the property at 11439 Eastern Avenue.
I have no problem with the proposed property use or the
additional parking necessary to accommodate the changes. I
understand the changes to be as follows:

1. To occupy the remainder of the first floor
as one apartment unit.
2. To occupy the entire second floor as two
individual apartment units.
3. To expand the parking area to accommodate the
building use changes.

These changes seem reasonable and will receive no
opposition from me.

Signature: Virgil McLaughlin

Address: 11439 Eastern Ave. Balto. 21204

Telephone: 410-335-4525

let 2B

Arnold Jablon
Zoning Admin. and Dev. Mgmt.
Baltimore County
County Office Bldg.
Towson, Md., 21204

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Signature: Chris Gontrum

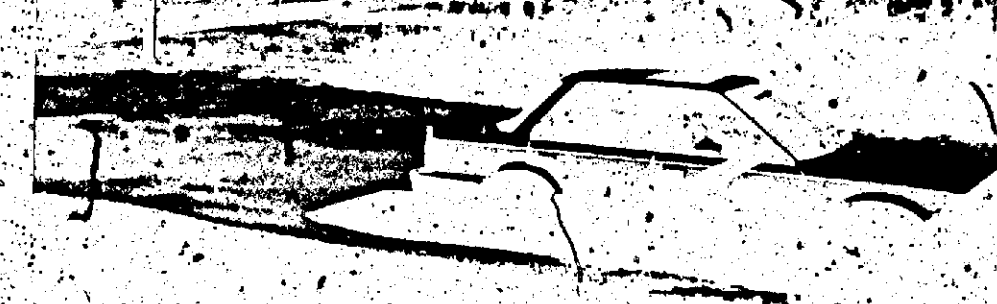
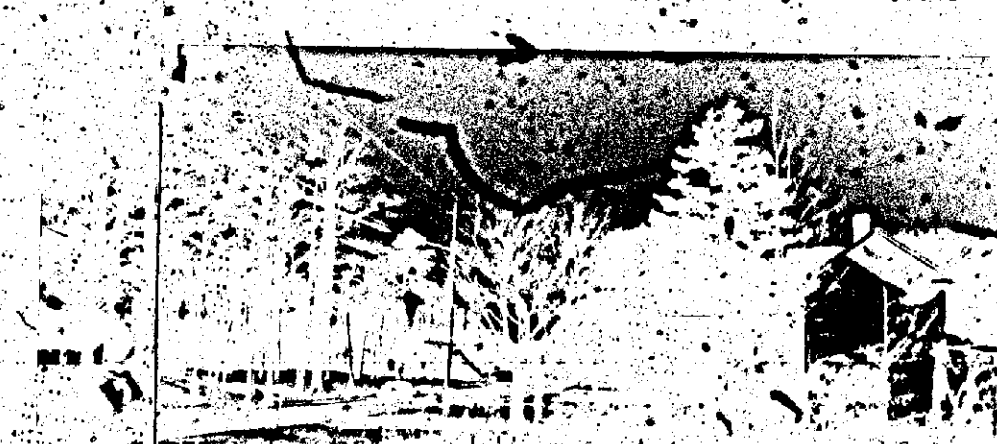
Address: 11501 Eastern Ave. 21220

Telephone: 835-7777

let 2A

Petitioner's
Exhibit 3A-
3B

94-250-X



• FLOOR PLAN •
(APARTMENT LAYOUT)
of
11439 EASTERN AVE

OWNER:
MR. & MRS. ANTHONY PORTERA
15 MULRANY COURT
LUTHERVILLE, MD. 21093

NOTES:
(1) 1ST FL. FRT. - EXISTING
BEAUTY SHOP
1ST FL. REAR - 1 APT. (PROPOSED)
2ND FL. - 2 APTS. (")

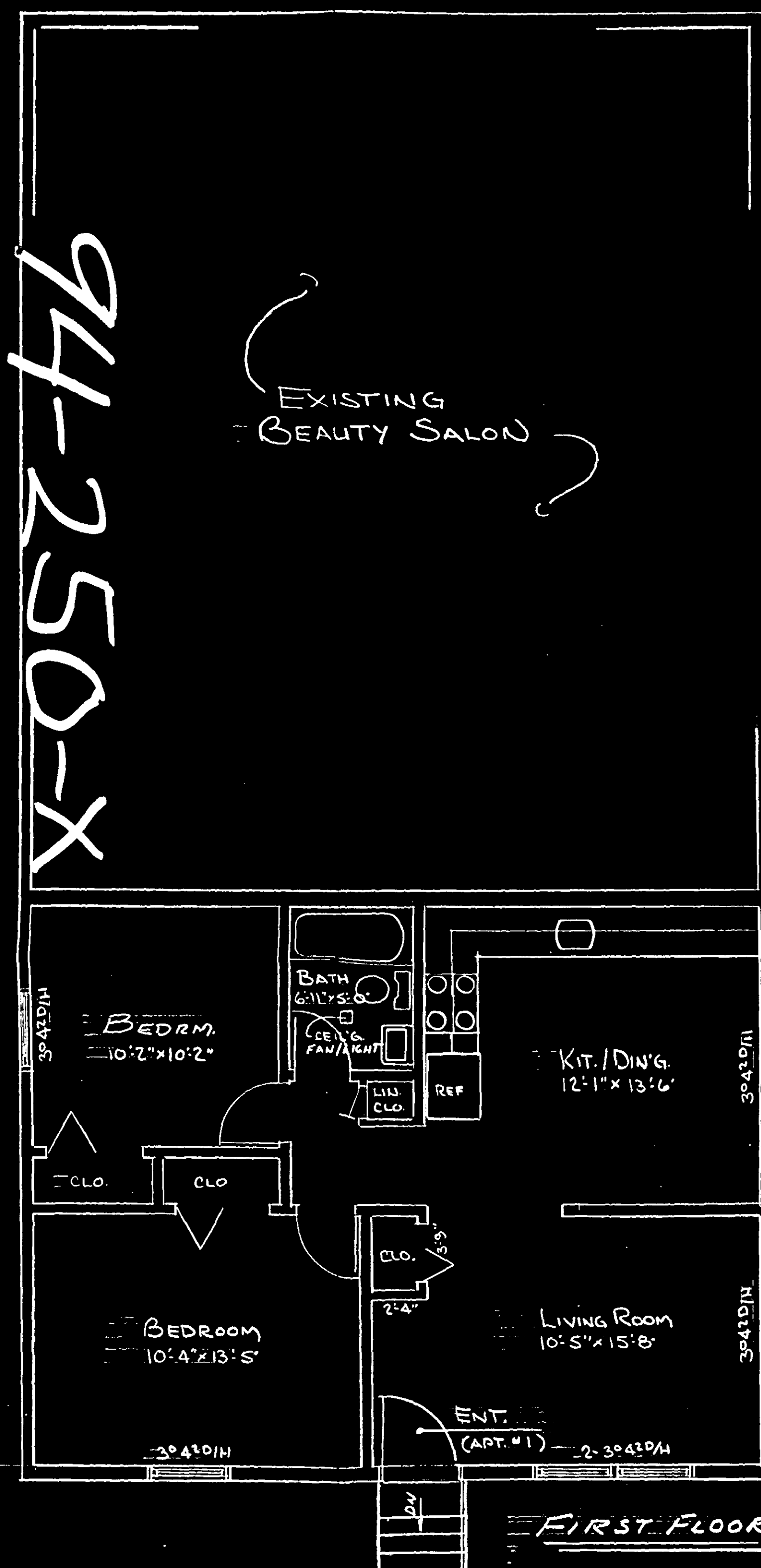
SCALE: 1/4" = 1'-0"

94-250-X

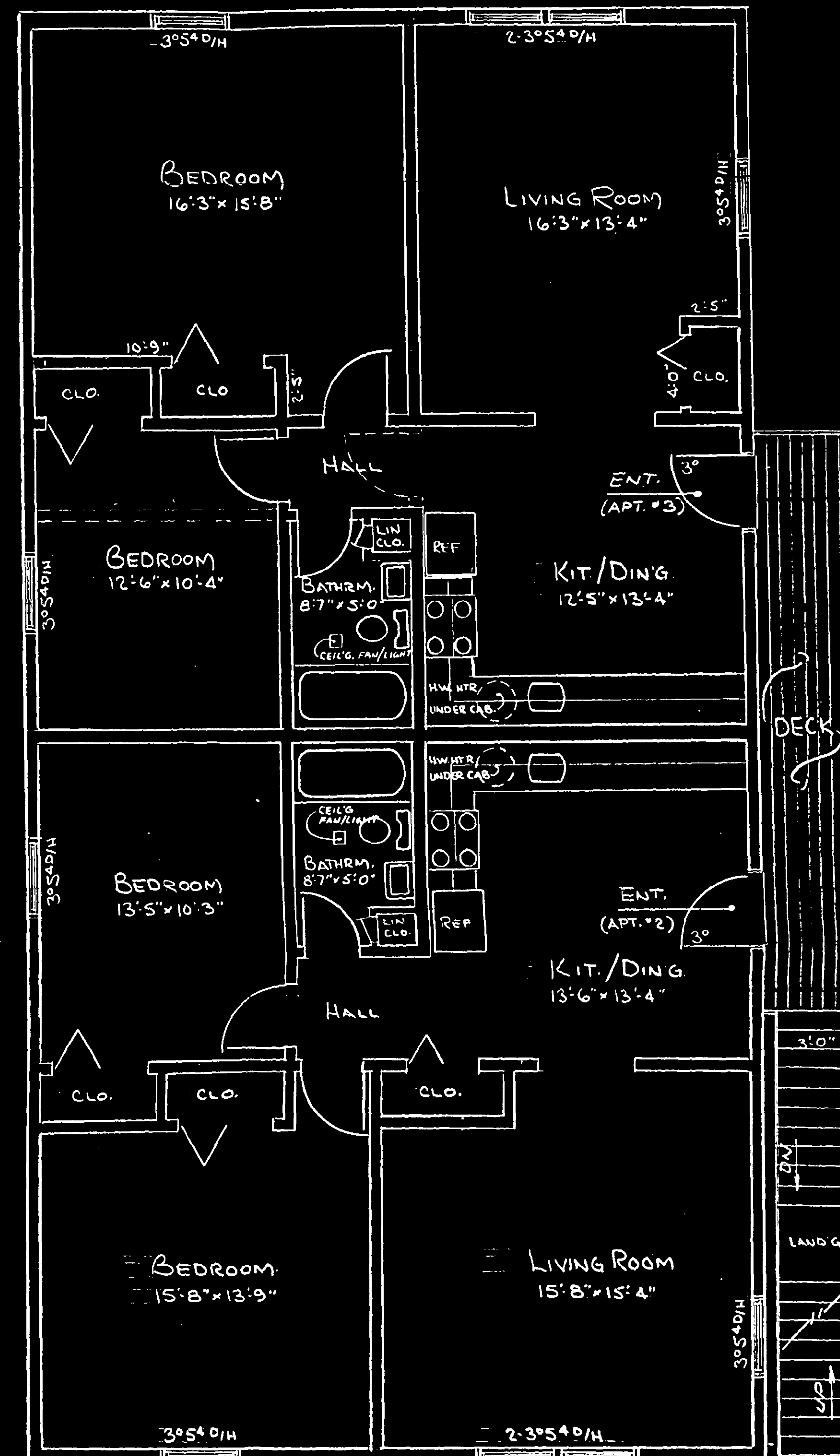
EXISTING
BEAUTY SALON

250

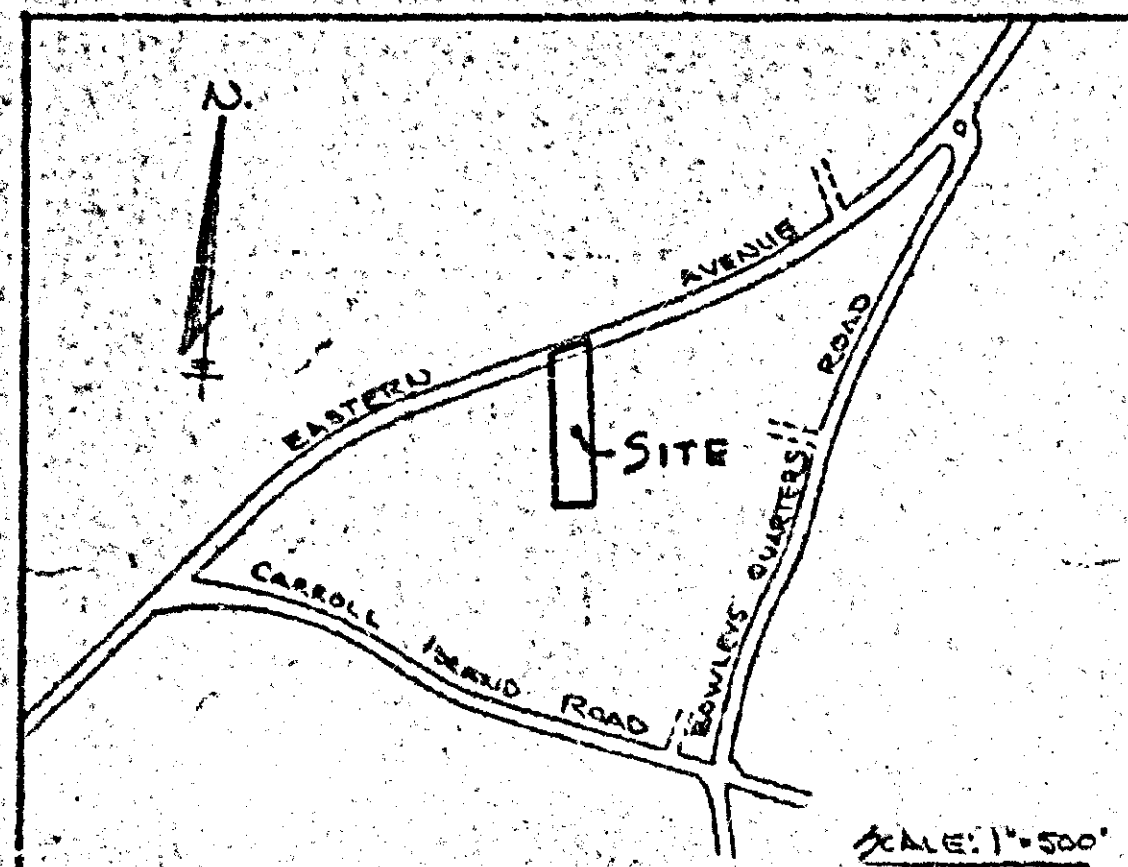
FRONT OF BUILDING



FIRST FLOOR



SECOND FLOOR



LOCATION MAP

SITE DATA

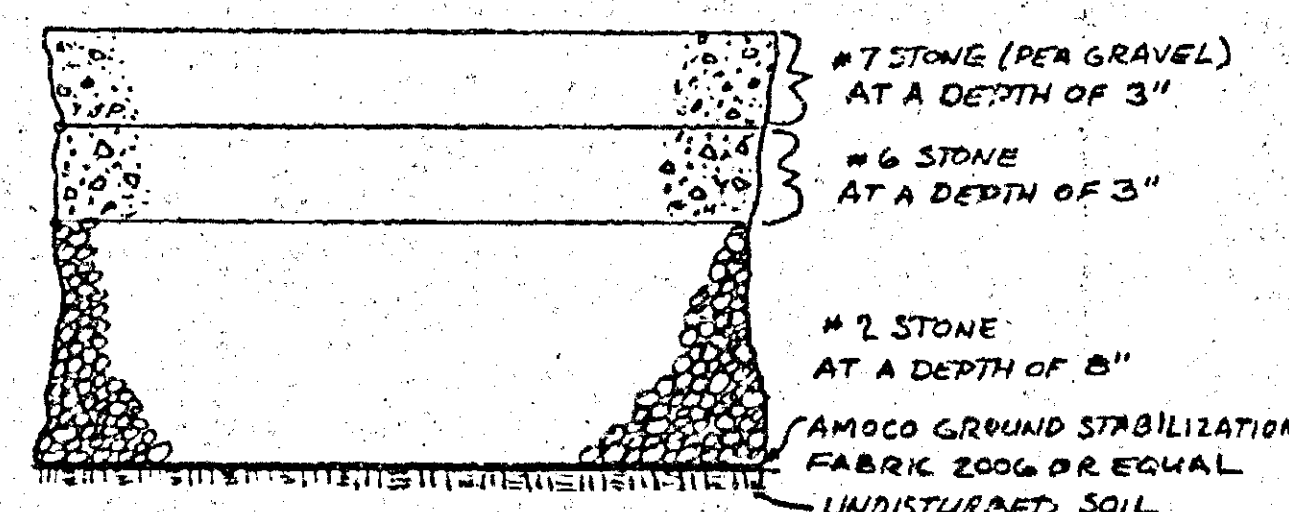
- PROPERTY ACRES: GROSS 0.752 AC. NET 0.107 AC.
- COUNCILMANIC DISTRICT: 5
- WATERSHED: 2
- SUBWATERSHED: 11
- CENSUS TRACT: 4518.02
- EXISTING ZONING: BR-32,235 SQ. FT. OR 0.740 AC. ZONING MAP NE-4-K DR-55-550 SQ. FT. OR 0.013 AC.
- OWNER: ANTHONY & EVELYN PORTER 15-01-920090

GENERAL NOTES

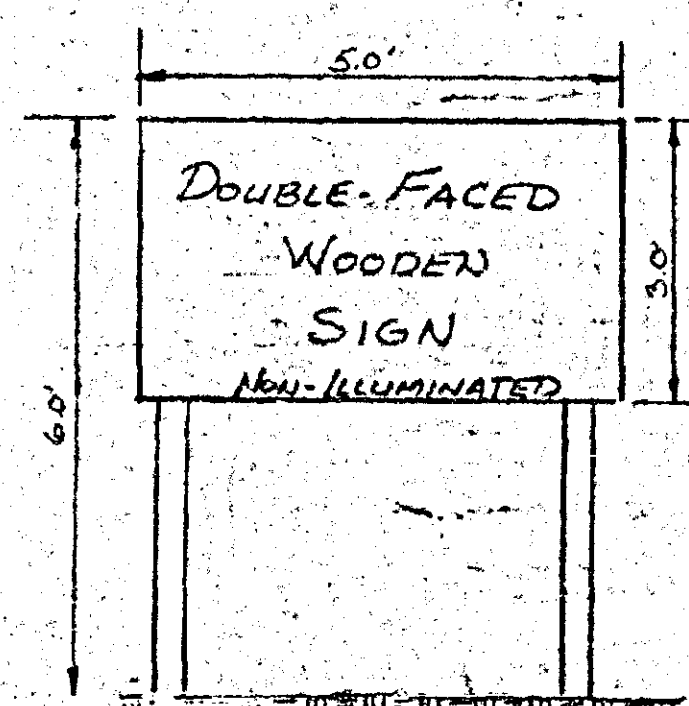
- THE PROPOSED DRIVEWAY AND PARKING AREA SHALL BE CONSTRUCTED OF A POROUS STONE SURFACE. (SEE DETAIL)
- THE SUBJECT PROPERTY, OR ANY STRUCTURES LOCATED THEREON, IS NOT LOCATED ON THE MD. HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORICAL PLACES, THE MD. ARCHEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE CO. HISTORICAL DISTRICTS.
- THERE ARE NO HAZARDOUS MATERIAL SITES ON THE SUBJECT PROPERTY.
- EXISTING USE = BEAUTY SHOP - 1ST FL. FRONT
PROPOSED USE = " " " " WITH THREE (3) APARTMENTS
IN REMAINING PORTION OF BUILDING:
1ST FL. REAR - 1 APARTMENT - 2 BEDROOM
2ND FL. - 2 APARTMENTS - 2 BEDROOM EACH UNIT
- THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON THE SUBJECT PROPERTY.
- NO LOCAL OPEN SPACE IS REQUIRED.
- AVERAGE DAILY TRIPS: BEAUTY SHOP 50/1,000th = 50 + APTS. 4.5/PER UNIT (2) = 19.5; TOTAL D.T.S. = 69.5
- THERE ARE NO EXISTING COMMERCIAL FIRE RESISTANT STRUCTURES LOCATED WITHIN 100' OF EITHER SIDE LOT LINE OF THE SUBJECT PROPERTY.
- THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS, OR UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
- FLOOR AREA RATIO: 1,000 SQ. FT. (BEAUTY SALON) ÷ 32,801 = 3.03% = 0.023 AC. 5,400 SQ. FT. (TOTAL BLDG. AREA) ÷ 32,801 = 16.46% = 0.124 AC.
- SITE IS LOCATED IN CHESAPEAKE BAY CRITICAL AREA.
- UTILITIES: SEWER - EXIST. PUBLIC
WATER - EXIST. PUBLIC
- ANY SIGN WILL COMPLY WITH SECT. 413 OF THE B.C.Z.R. & OTHER ZONING POLICIES.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL LANDSCAPING WILL COMPLY WITH THE LANDSCAPE MANUAL.
- BUILDING PERMIT NO. B151115, CONTROL NO. COC-220192 WAS ISSUED 2/15/93 FOR CHANGE OF OCCUPANCY FROM SFD TO BEAUTY SALON WITH REMAINING AREA TO BE VACANT FOR FUTURE USE.
- PARKING VARIANCE GRANTED MAR. 24, 1993 - CASE NO. 93-271-A - FROM SECTION 409, B.A. 2.6 TO PERMIT A NON-DURABLE DUSTLESS SURFACE, NOT PERMANENTLY STRIPED IN LIEU OF THE REQUIRED DURABLE DUSTLESS PERMANENTLY STRIPED SURFACE.
- SETBACK VARIANCE GRANTED MAR. 24, 1993 - CASE NO. 93-271-A - FROM SECTION 138.2 B.C.Z.R. TO PERMIT A SIDE YARD SETBACK OF 10 FT. IN LIEU OF REQUIRED 20 FT. (FOR AN EXISTING BUILDING).
- LIMITED EXEMPTION GRANTED UNDER SECTION 12-71(a)(1) PER. MEETING DEC. 28, 1992.

SOIL LIMITATION CHART

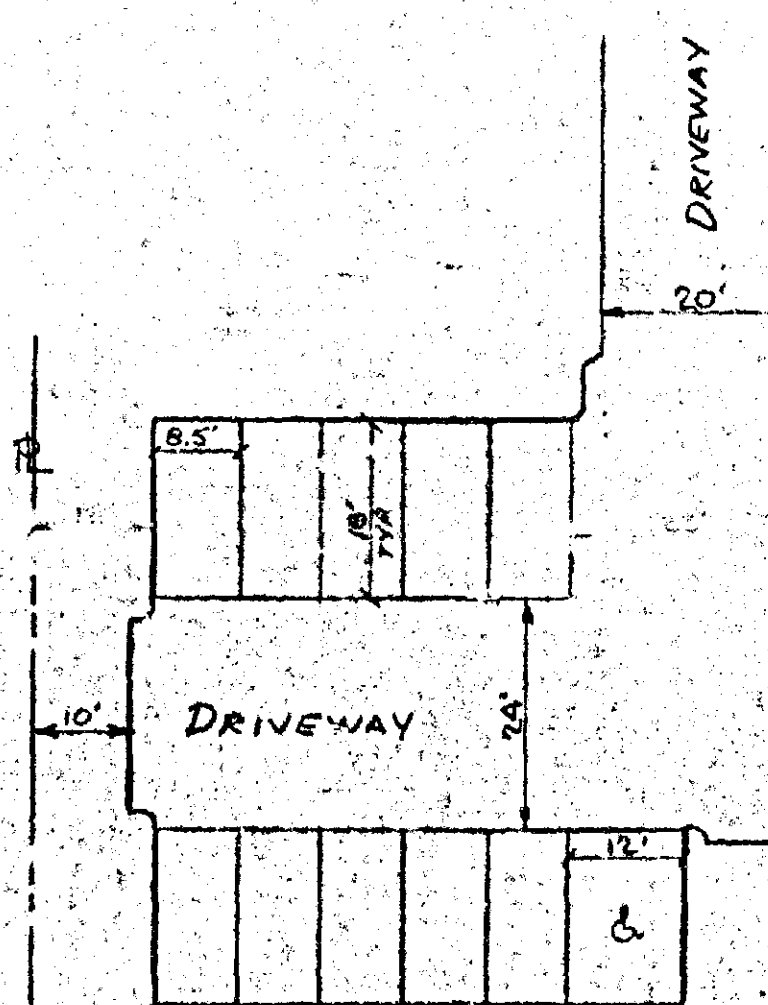
SYMBOL	NAME	WITH BASEMENT	WITHOUT BASEMENT	STREETS & PARKING LOTS	TYPE
LIB	LENOIR	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE	'D'
WDA	WOODSTOCK	MODERATE: MODERATELY HIGH WATER TABLE	SLIGHT	MODERATE: MODERATELY HIGH WATER TABLE	'C'



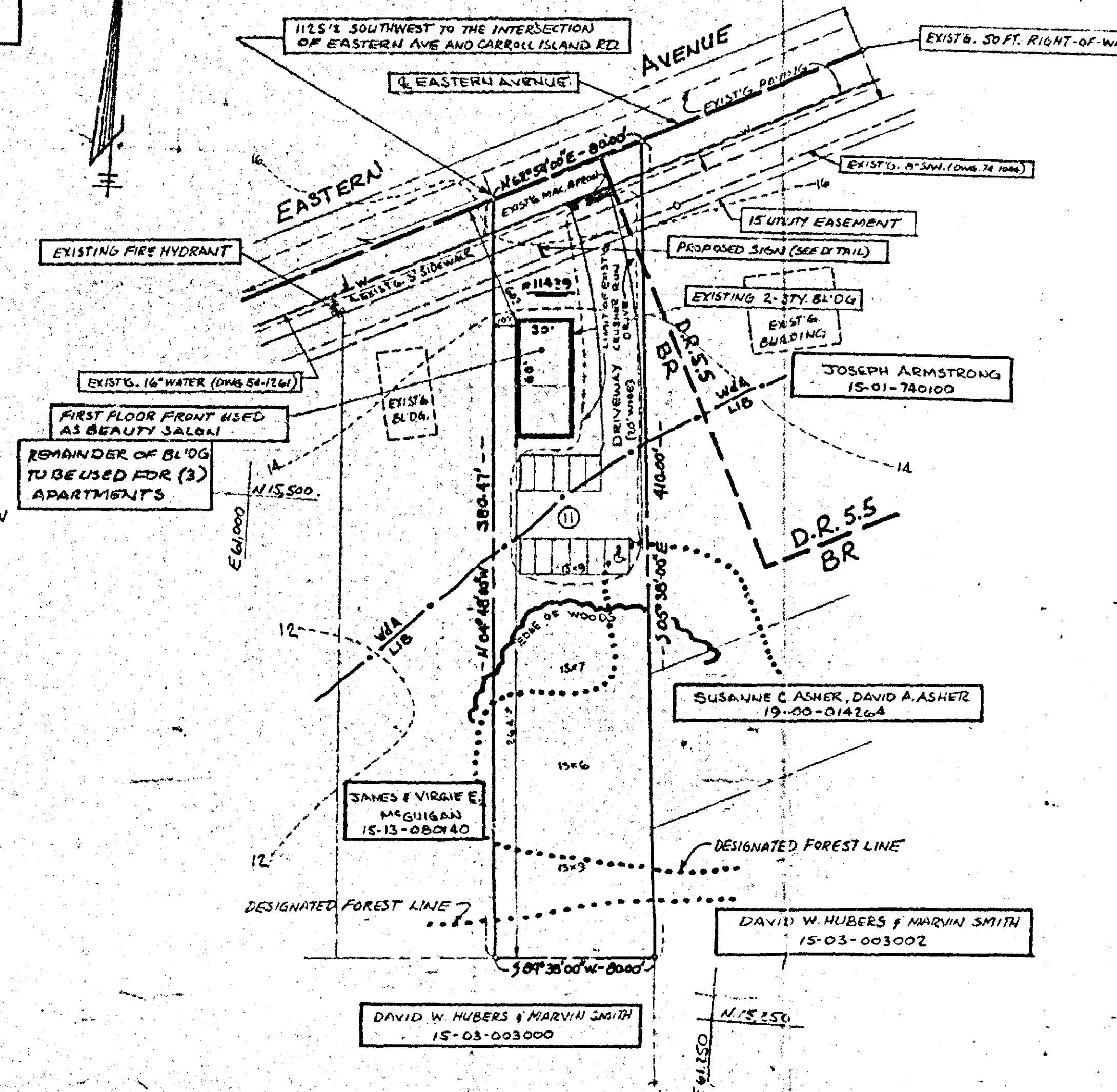
POROUS STONE SURFACE DETAIL N.T.S.



SIGN DETAIL N.T.S.



PARKING & PAVING DIMENSIONS
NOTE: PARKING AREA WILL NOT BE PERMANENTLY STRIPED



PARKING CALCULATIONS

COMMERCIAL FLOOR AREA = 1,000 SQ. FT. (1ST FL. FR.)
BEAUTY SALON = 5 SPACES / 1,000 SQ. FT.
PARKING REQUIRED = 5 PARKING SPACES
PARKING PROVIDED = 5 PARKING SPACES
(INCLUDING 1 HANDICAP)

RESIDENTIAL AREA = 3 DWELLING UNITS
RESIDENTIAL = 2 SPACES / DWELLING UNIT
PARKING REQUIRED = 6 PARKING SPACES
PARKING PROVIDED = 6 PARKING SPACES

TOTAL PARKING SPACES REQUIRED = 11 PKG. SPACES
TOTAL PARKING SPACES PROVIDED = 11 PKG. SPACES

BUILDING USE NOTE:

THE FRONT 1,000 SQ. FT. OF THE FIRST FLOOR OF THE EXISTING BUILDING IS USED AS A BEAUTY SALON. THE REMAINING FIRST FLOOR AREA AND THE ENTIRE SECOND FLOOR WILL BE USED FOR THREE (3) - TWO (2) BEDROOM APARTMENTS.

PAVING NOTE:

THE EXISTING CRUSHER RUN PAVING WILL BE REMOVED AND THE DRIVEWAY & PARKING AREA WILL BE INSTALLED USING THE POROUS STONE SURFACE.

WETLANDS NOTE:

THERE ARE NO WETLANDS ON THE SUBJECT PROPERTY AS VERIFIED BY A FIELD INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MGMT.



Leslie Hoffman 11/16/93

.SITE PLAN.

PLAT TO ACCOMPANY
SPECIAL EXCEPTION
#11439 EASTERN AVENUE
ELECTION DISTRICT 15 BALTIMORE COUNTY, MD.

OWNER: ANTHONY & EVELYN PORTER
15 MULRANY COURT
LUTHERVILLE, MD. 21093

BALTIMORE COUNTY, MD.
SCALE: 1" = 50'
DATE: 11/16/93

250
94-250-X